REMARKS

Present Status of the Application

Claims 1, 4, 6 & 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (EP 1 364 585 A1) and Calapini (US 2004/0101597).

In response, Applicants have added new claim 8 and submitted the remarks below. Reconsideration of claims 1, 4, 6 & 7 and consideration of new claim 8 are requested.

Discussion of Rejections under 35 U.S.C. 103(a)

A feature of claim 1 is that the amount of calcium from the one or more water-soluble minerals added is 100-250 mg per 100 g of the acidic food or drink. Saito fails to teach the feature, as Examiner admitted. Calapini also fails to teach the same.

Examiner asserted that Calapini teaches an acidic beverage containing calcium in an amount in the range of 240-275 mg/100ml (p. 3-5/Experiments 1-7). However, according to the Tables of Experiments 1-7, the range of the calcium amount is actually 240-275 mg/200ml (=120-137.5 mg/100ml). Meanwhile, as described in claim 12, in Calapini's beverage the amount of calcium from the *in-situ* formed calcium citrate, calcium malate or calcium citrate malate (i.e., water-***in***soluble calcium) is from about 30% to about 60% of total calcium, so that the water-soluble minerals takes at most about 70% of total calcium. Thus, the amount of the water-soluble calcium in Calapini's beverage is about 84-96 (=120×0.7-137.5×0.7) mg/100ml, which does not

overlap with the claimed range of 100-250 mg/100 g (density of beverage is approximately 1 g/ml).

Also, it is non-obvious to combine Calapini with Saito for at least the reasons below.

First, according to **[0008]**-**[0012]**, Calapini was intended to be applied to drinkable liquids abundant in citric acid and/or malic acid that easily form precipitate with calcium ions but did not concern the precipitate issue of soybean protein in presence of calcium ions at all, and utilizes the "*in-situ formation*" technique to prevent precipitate of calcium citrate, calcium malate or calcium citrate malate that would otherwise cause undesirable taste. At least because the subject matter of Saito is acidic protein foods that are based on acid-soluble soybean protein not precipitating with calcium ions but are not abundant in citric acid and/or malic acid, there would have been no need to apply Calapini's "*in-situ formation*" technique to Saito's acidic protein foods to increase the calcium content without causing undesirable taste due to precipitates.

Second, according to **[0010]**, **[0012]** and **[0014]** of Calapini, the *in-situ* formed calcium citrate, calcium malate or calcium citrate malate is in a metastable state and easily precipitates to the low equilibrium solubility as being disturbed by, for example, raised temperature. Since the soybean protein in Saito's acidic protein food inevitably interacts with calcium ions, it is quite difficult to predict whether a high concentration of *in-situ* formed calcium citrate, calcium malate or calcium citrate malate could still be achieved if Calapini's "*in-situ formation*" were applied to Saito's acidic protein foods.

Accordingly, one of ordinary skills in the art has no motivation to apply Calapini's "*in-situ formation*" technique to Saito's protein foods, i.e., to combine Calapini with Saito.

In addition, the feature (no water-insoluble calcium species) of new claim 8 cannot be obtained by combining Calapini with Saito, at least because *calcium citrate, calcium malate or calcium citrate malate* essentially used in Calapini is water-insoluble calcium species as precipitating easily in aqueous solutions.

For at least the above reasons, Applicants submit that amended claim 1 and claims 4 & 6-8 dependent therefrom all patently define over the prior art.

CONCLUSION

For at least the foregoing reasons, it is believed that claims 1, 4 & 6-8 of this application are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
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